

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA**

SONY MUSIC ENTERTAINMENT, *et al.*,

Plaintiffs,

v.

COX COMMUNICATIONS, INC., *et al.*,

Defendants.

Case No. 1:18-cv-00950-LO-JFA

**DECLARATION OF JEFFREY M. GOULD**

I, Jeffrey M. Gould, hereby declare pursuant to 28 U.S.C. § 1746 that the following statements are true and correct to the best of my personal knowledge and belief:

1. I am Senior Counsel Oppenheim + Zbrak, LLP, and am admitted to practice law in the District of Columbia, among other jurisdictions. I am counsel for Plaintiffs in the above-captioned case.
2. I submit this declaration in support of Plaintiffs' Motion to Compel and Plaintiffs' Memorandum in Support of Plaintiffs' Motion to Compel. I have knowledge of the facts stated herein based on personal knowledge or information learned in the course of my involvement in this case. If called upon to do so, I am able to testify competently to the matters as stated herein.
3. On December 12 and 14, 2018, I conferred with counsel for Defendants, along with other counsel for both parties, for several hours on issues including those raised by Plaintiffs' Motion.

4. During the conferral, Defendants refused to identify any witnesses that were deposed in *BMG Rights Management v. Cox Communications, Inc. et al.*, 1:14-cv-1611 (the “BMG Litigation”), beyond those listed in their Rule 26(a)(1) disclosures in this case.

5. True and correct copies of the following exhibits are attached to Plaintiffs’ Memorandum in Support of Plaintiffs’ Motion to Compel:

- A. Plaintiffs’ First Set of Requests for Production of Documents and Things to Defendants Cox Communications, Inc. and CoxCom, LLC, served November 19, 2018.
- B. Cox’s Objections to Plaintiffs’ First Set of Requests for Production of Documents and Things to Defendants, served December 4, 2018.
- C. December 10, 2018 Letter from J. Gould to T. Lane.
- D. Reply Memorandum of Law in Support of Defendants’ Motion to Transfer Venue Pursuant to 28 U.S.C. § 1404, Dkt. 34.
- E. Order, BMG Litigation Dkt. 1018.
- F. Excerpt of BMG Litigation December 1, 2015 Transcript for Motions Hearing, Pg. 30.
- G. Declaration of Linda J. Trickey in Support of Defendants’ Motion to Transfer Venue Pursuant to 28 U.S.C. § 1404, Dkt. 23-1.
- H. Memorandum of Law in Support of Defendants’ Motion to Transfer Venue Pursuant to 28 U.S.C. § 1404, Dkt. 23.
- I. Excerpts of BMG Litigation Trial Transcript, Pgs. 223-25, 619-20, 1055-58, 1437, 1654-55, 2000-05.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on 12/14/18 in Washington, District of Columbia.

  
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Jeffrey M. Gould